

LICENSING (SCOTLAND) ACT 2005, SECTION 29  
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

This application should only be completed by the Licence Holder of the appropriate Premises Licence or their Agent.

SECTION 1: TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary-  
(Tick all relevant boxes)

3b

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0211

2(b) Name and Address of Premises

Ship Inn, 184 North High Street, Musselburgh

Post Code EH21 6BH

Phone No. 0131 665 2642

2(c) Full Name and Address of Current Licence Holder

Caledonian Heritable Ltd  
4 Hope Street  
Edinburgh

Post Code EH2 4DB

Phone No. 0131 220 5511

### SECTION 3: NATURE OF VARIATION

Complete the relevant section(s) regarding the variations sought:-

#### 3(a) Variation to the Conditions to which the Premises Licence is subject

Provide details of the Condition(s) to be varied and the variation being sought

#### 3(b) Variation to the information contained within the Operating Plan of the Premises Licence

Provide a copy of the proposed operating plan and highlight below the proposed changes. (See Note 1)

Q5 Conference Facilities COL. 2 3 4 change to yes  
Q5 Restaurant Facilities COL.2 3 4 change to yes  
Q5 Club Meetings COL.4 change to yes  
Q5 Dance Facilities COL. 2 3 Change to no  
Q5 Films COL 2 3 Change to yes  
Q5 Gaming COL. 2 3 Change to no  
Q5 Televised Sport COL. 4 change to yes  
Q5 Outdoor drinking facilities COL.4 Change to yes  
Additional narrative re. COL.4 activities club meetings and conferences may take place and TV sport may be shown in the morning during breakfast service.  
Access to Alfresco dining area for breakfast service.

Q5F We wish to include the following activities:

Quiz nights, charity events, wedding ceremonies, training courses, market stalls, corporate events, art workshops, BBQs, festival shows, comedy acts, product launches, home deliveries

Q6B Children and young persons will be permitted into the front bar area until 5pm daily when accompanied by a responsible adult.

Children will be permitted into the restaurant and outside area at all times when the premises is open, when accompanied by a responsible adult.

Young persons will be permitted into the restaurant and outside area at all times when the premises is open.

Q6D Children and Young persons will be permitted entry at all times when the premises is open.

Q6E Children and Young persons will be permitted to all public areas.

**3(c) Variation to the Layout Plan of the Premises Licence**

7 Copies of the proposed Layout Plan **must** accompany this application. (See Note 2)  
In addition please provide details below of the proposed change to the layout of the Premises.

Complete reconfiguration of outlet with additional toilets added previous external area

**3(d) Variation to any other information contained or referred to in the licence**

Provide details below of any other variation sought to the Premises Licence  
(e.g. Alteration to the description of the premises contained within the Premises Licence)

**SECTION 4: LICENCE TO BE AMENDED**

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES                       NO

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because...

- The licence has not yet been issued by the Board
- The licence has already been returned to the Board in respect of an earlier application for variation or transfer

Other (provide details)

.....

**SECTION 5: FEE PAYABLE**

The fee payable in respect of the application for variation is **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£170** (see note 4 below)

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

Application for Transfer of Premises Licence followed by Application for Variation

Application for Variation followed by Application for Transfer of Premises Licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

*If signing on behalf of the applicant please state in what capacity.*

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £150 is enclosed.

Signature



(See note 5 below)

Date

01/10/20

Capacity: APPLICANT / ~~AGENT~~ (delete as appropriate)

**If agent, please provide name, address, phone number and (if applicable) email address**

.....  
.....  
.....

**Note 1:**

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

**Note 2:**

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

**Note 3:**

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

**Note 4:**

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

**Note 5:**

**Data Protection Act 1998**

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

**Contact Us:**

**East Lothian Licensing Board**  
Licensing Office  
John Muir House  
Haddington, East Lothian  
EH41 3HA

**Phone:** 01620 827217 / 827867 / 820114  
**Fax:** 01620 827253  
**Email:** [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

FOR OFFICE USE ONLY		
<i>Received &amp; Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

# EAST LoTHIAN LICENSING BOARD

## OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

### Question 1

*STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH*

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	<i>NO</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>NO</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>YES</i>
<i>*Delete as appropriate</i>	

### Question 2

*STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES*

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00am	11.00pm
<i>Tuesday</i>	11.00am	11.00pm
<i>Wednesday</i>	11.00am	11.00pm
<i>Thursday</i>	11.00am	1.00am
<i>Friday</i>	11.00am	1.00am
<i>Saturday</i>	11.00am	1.00am
<i>Sunday</i>	11.00am	12 midnight

**Question 3**

*STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION OFF PREMISES*

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00am	10.00pm
<i>Tuesday</i>	11.00am	10.00pm
<i>Wednesday</i>	11.00am	10.00pm
<i>Thursday</i>	11.00am	10.00pm
<i>Friday</i>	11.00am	10.00pm
<i>Saturday</i>	11.00am	10.00pm
<i>Sunday</i>	11.00pm	10.00pm

**Question 4**

*SEASONAL VARIATIONS*

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>YES</i>
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*\*If YES – provide details*

We shall apply for or take grant of extension to licensing hours during any local, national and international festivals and/or holidays as and when applicable, in accordance with the East Lothian Licensing Board's policies/guidelines.

We may also apply for extensions for special events i.e. sporting events, functions, charity evenings etc.

**Question 5**

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

<b>COL. 1</b> <i>5(a)</i> <i>Activity</i>	<b>COL. 2</b> <i>Please confirm</i> <i>YES/NO</i>	<b>COL. 3</b> To be provided during core licensed hours – please confirm <i>YES/NO</i>	<b>COL. 4</b> Where activities are also to be provided outwith core licensed hours please confirm <i>YES/NO</i>
<i>Accommodation</i>	No	N/A	N/A
<i>Conference facilities</i>	Yes	Yes	Yes
<i>Restaurant facilities</i>	Yes	Yes	Yes
<i>Bar meals</i>	Yes	Yes	Yes
<b>5(b) Activity</b> <i>Social functions including:</i>	<i>Please confirm</i> <i>YES/NO</i>	To be provided during core licensed hours – please confirm <i>YES/NO</i>	Where activities are also to be provided outwith core licensed hours please confirm <i>YES/NO</i>
<i>Receptions including Weddings, funerals, birthdays, retirements etc.</i>	Yes	Yes	No
<i>Club or other group meetings etc.</i>	Yes	Yes	Yes
<b>5(c) Activity</b> <i>Entertainment including:</i>	<i>Please confirm</i> <i>YES/NO</i>	To be provided during core licensed hours – please confirm <i>YES/NO</i>	Where activities are also to be provided outwith core licensed hours please confirm <i>YES/NO</i>
<i>Recorded music – see 5(g)</i>	Yes	Yes	Yes
<i>Live performances – see 5(g)</i>	Yes	Yes	No
<i>Dance facilities</i>	No	No	No
<i>Theatre</i>	No	N/A	N/A
<i>Films</i>	Yes	Yes	No
<i>Gaming</i>	No	No	No
<i>Indoor/outdoor sports</i>	Yes	Yes	No
<i>Televised sport</i>	Yes	Yes	Yes



<i>5(d)</i> <i>Activity</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Outdoor drinking</i> <i>facilities</i>	Yes	Yes	Yes
<i>5(e)</i> <i>Activity</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Adult entertainment</i>	No	N/A	N/A

*Where you have answered YES in respect of any entry in column 4 above, please provide further details below.*

Breakfasts/Teas and Coffees will be served from 10.00am, outside core licensed hours no alcohol will be served.

Music is played at all times whilst premises is open

Club meetings and conferences may take place and TV sport may be shown in the morning during breakfast service.

Access to Alfresco dining area for breakfast service.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

Quiz nights, charity events, wedding ceremonies, training courses, market stalls, corporate events, art workshops, BBQs, festival shows, comedy acts, product launches, home deliveries
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5(g) Late night premises opening after 1.00am

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	N/A
<i>When fully occupied, are there likely to be more customers standing than seated?</i>	N/A
<i>*Delete as appropriate</i>	

**Question 6 (On-sales only)**

*CHILDREN AND YOUNG PERSONS*

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	YES
	<i>*Delete as appropriate</i>	

6(b) *Where the answer to 6(a) is YES provide statement of the TERMS under which they will be allowed entry*

Children and young persons will be permitted into the front bar area until 5pm daily when accompanied by a responsible adult.

Children will be permitted into the restaurant and outside area at all times when the premises is open, when accompanied by a responsible adult.

Young persons will be permitted into the restaurant and outside area at all times when the premises is open.

6(c) *Provide statement regarding the AGES of children or young persons to be allowed entry*

Children Aged 0 to 15 years old

Young Persons aged 16 to 17 years old

6(d) *Provide statement regarding the TIMES during which children and young persons will be allowed entry*

Children and Young persons will be permitted entry at all times when the premises is open.

6(e) Provide statement regarding the *PARTS* of the premises to which children and young persons will be allowed entry

Children and Young persons will be permitted to all public areas.

**Question 7**

*CAPACITY OF PREMISES*

*What is the proposed capacity of the premises to which this application relates?*

280 Persons

**Question 8**

*PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)*

*Personal details*

8(a) *Name*

Pamela Ann May

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) Email address and telephone number

[Redacted]

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
31/07/2016	East Lothian	EL1319

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

**If signing on behalf of the applicant please state in what capacity.**

The contents of this operating plan are true to the best of my knowledge and belief.

Signature [Redacted] ..... \* (see note below)

Date ..01/10/20.....

Capacity .....APPLICANT

Telephone number and email address of signatory 0131 220 5511

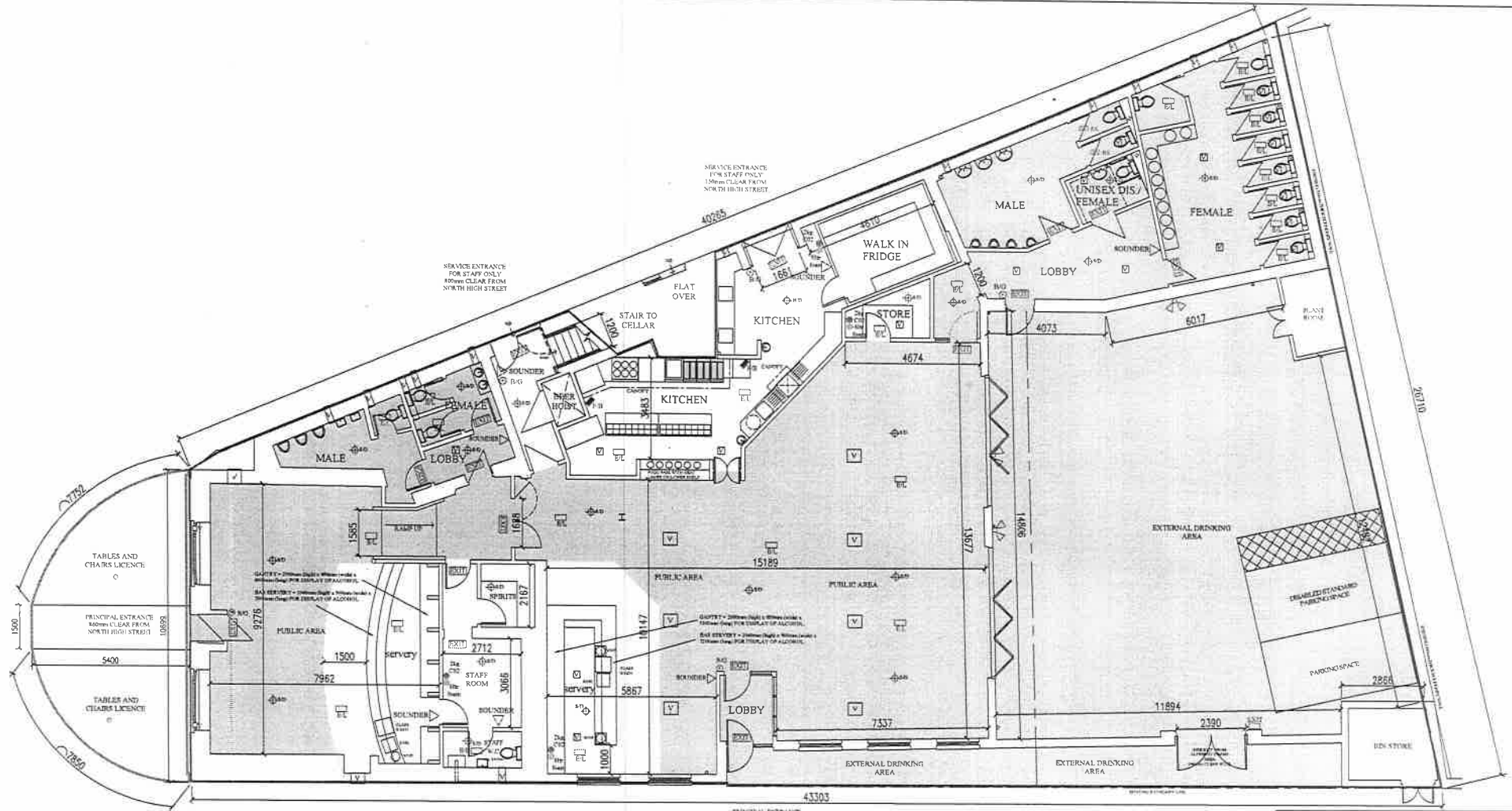
[Redacted]

**\* Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

# PROPOSED PLAN

52



PROPOSED GROUND FLOOR PLAN

EXISTING GROUND FLOOR LAYOUT  
SCALE 1 : 100 @ A3

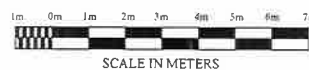
## LEGEND

- DENOTES EXISTING MANUAL BREAK GLASS POINT
- DENOTES EXISTING SOUNDER
- DENOTES EXISTING EXIT SIGN
- DENOTES EXISTING EMERGENCY LIGHT
- DENOTES EXISTING EMERGENCY FLOOD LIGHT
- DENOTES EXISTING FIRE BLANKET
- DENOTES EXISTING SMOKE ALARM
- DENOTES EXISTING HEAT DETECTOR - KITCHEN
- DENOTES CO2, H2O AND FOAM FIRE EXTINGUISHERS
- RED LINE INDICATES LICENSED AREA
- TABLE AND CHAIRS LICENSE
- AREA WHERE CHILDREN AND YOUNG PERSONS HAVE ACCESS

TOTAL OCCUPANT CAPACITY = 280

- RECEPTIONS INCLUDING - WEDDINGS, FUNERALS, BIRTHDAYS, RETIREMENTS ETC
- BAR MEALS
- CLUB OR OTHER GROUP MEETINGS
- RECORDED MUSIC
- DANCE FACILITIES
- GAMING
- INDOOR SPORTS
- TELEVISIONED SPORTS
- OUTSIDE DRINKING

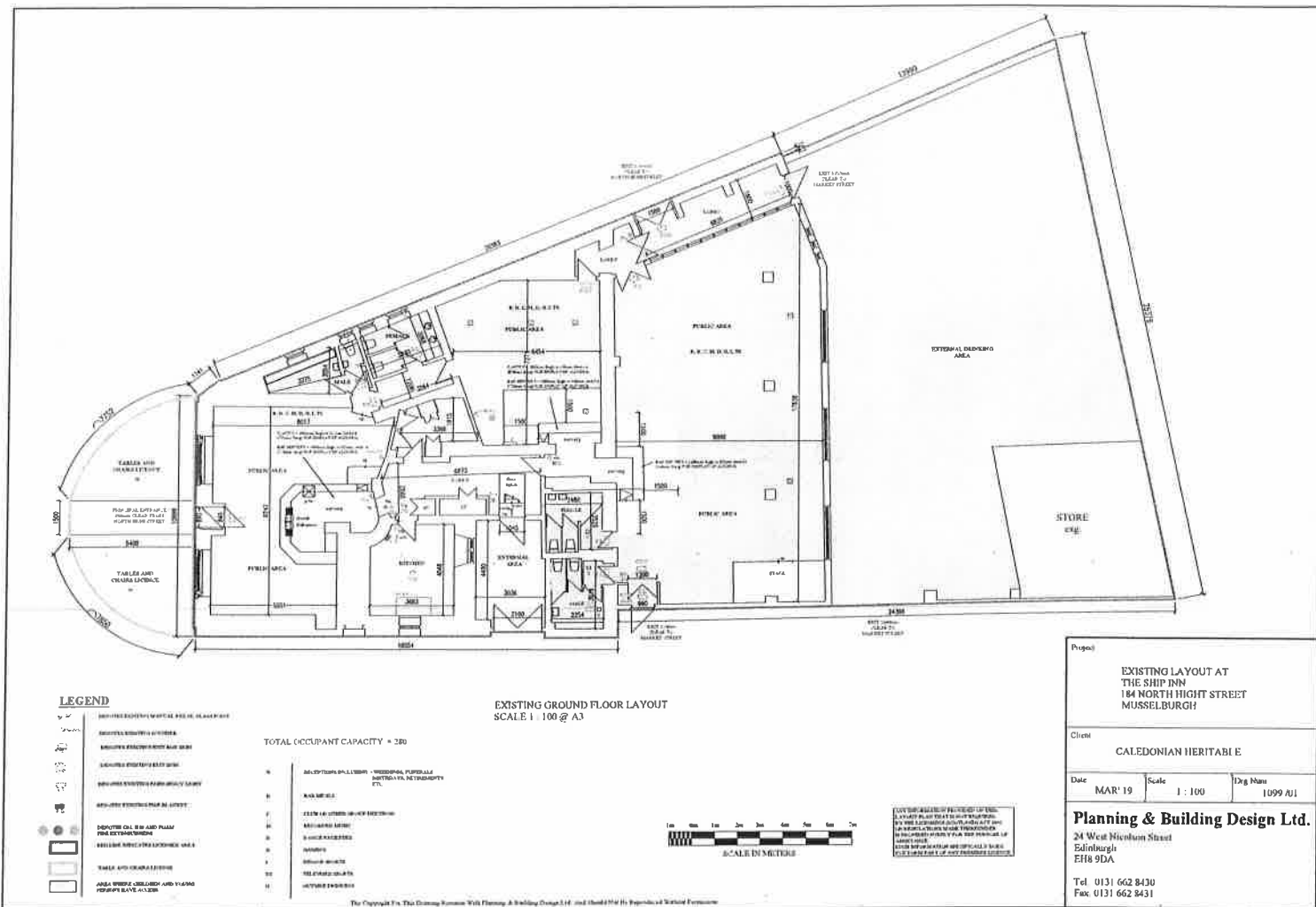
TOTAL OCCUPANT CAPACITY = 280



ANY INFORMATION PROVIDED ON THIS LAYOUT PLAN THAT IS NOT REPEATED IN THE LICENSING BYELAWS ACT 2004 OR REGULATIONS MADE THEREUNDER IS PROVIDED PURELY FOR THE PURPOSE OF ASSISTANCE. SUCH INFORMATION SPECIFICALLY DOES NOT FORM PART OF ANY PREMISES LICENSE.

Project			
EXISTING LAYOUT AT THE SHIP INN 184 NORTH HIGH STREET MUSSELBURGH			
Client			
CALEDONIAN HERITABLE			
Date	Scale	Dwg. Num.	
SEPT '20	1:100	1099/01	
<b>Planning &amp; Building Design Ltd.</b>			
24 West Nicholson Street Edinburgh EH8 9DA			
Tel. 0131 662 8430 Fax. 0131 662 8431			

# EXISTING PLAN



03/11/2020

Your Ref: EL0211

Our Ref: 526391/GB

The Clerk of the Licensing  
Board  
East Lothian Council  
John Muir House  
Haddington  
East Lothian  
EH41 3HA



**POLICE  
SCOTLAND**

Keeping people safe

John McKenzie  
Divisional Commander  
The Lothians and Scottish Borders Division  
Haddington Police Station  
39-41 Court Street  
Haddington  
EH41 3AE

FOR THE ATTENTION OF EAST LOTHIAN LICENSING BOARD

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
SHIP INN MUSSELBURGH  
184, North High Street, Musselburgh, East Lothian, EH21 6BH.**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of the complete reconfiguration of the premises with an additional external area.

In terms of Section 29(5) of the Act this request can be considered a variation.

In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation.

In terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, I am of the opinion that the variation in its current form should be modified to exclude tables and chairs from the proposed external area situated to the South of the premises on Market street, Musselburgh.

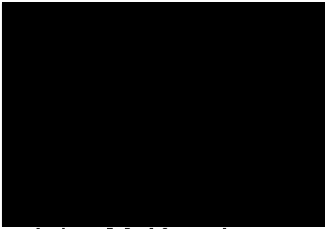
The above modification to the proposed tables and chairs on the South side of the premises will allow free flow of pedestrian traffic and avoid any potential conflict between patrons and members of the public.



**OFFICIAL**

This representation is submitted for your attention in considering this application.

Yours faithfully



John McKenzie  
Chief Superintendent

For enquiries please contact the Licensing Department on 0131 561 6119.

# EAST LoTHIAN COUNCIL

## People & Governance

**From: R. Fruzynski**  
**Licensing Standards Officer**

**To: K. MacNeill**  
**Clerk to the Licensing Board**

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Date: 2 November 2020

**Subject: LICENSING SCOTLAND ACT 2005**  
**PREMISES LICENCE APPLICATION (MAJOR VARIATION)**

**The Ship Inn, 184 North High Street, Musselburgh, East Lothian, EH21 4DB**

I refer to the above subject and can confirm that the premises have been visited and inspected in relation to application for a Premises Licence variation.

In the past these premises have been very well run.

I have no objection to the facilities or change of layout applied for.

R. Fruzynski  
Licensing Standards Officer

**EAST LOTHIAN COUNCIL**

**Internal Memorandum**

**From:** Planning Delivery  
**To:** Clerk to the Licensing Board  
**Per:** Neil Millar  
**Per:** Licensing Board  
**Cc:**

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**Date:** 26<sup>th</sup> October 2020

**LICENSING (SCOTLAND) ACT 2005**

**Re: Consultation response**

**Address:** 184 North High Street, Musselburgh

**Application type:** Variation other than a minor variation of premises licence

In October 2019, planning permission (Ref: 19/00798/P) was granted for alterations, extensions to building, formation of outdoor seating, including covered seating areas and associated works at this premise.

I have attached a copy of the Decision Notice for planning permission 19/00798/P (with includes the 5 conditions imposed) within my email for your information.

As you will note, condition 4 of planning permission 19/00798/P states that, *'No use shall be made of the outdoor dining area hereby approved unless and until two car parking spaces have been formed within the application site in accordance with the proposed ground floor plan docketed to this planning permission. The two car parking spaces shall thereafter be retained for car parking use, unless otherwise approved in writing by the Planning Authority'*. Please note that this condition was required in the interests of road safety. I have also attached a copy of the stamped approved drawings relating to this planning permission.

Whilst I have no objection to the variations applied for, as is detailed in the application forms for them, the layout plan submitted with this licensing application does not include the two car parking spaces which, in accordance with condition 4, must be made available and thereafter retained within the site. I therefore strongly suggest that the layout plan submitted with this application is revised to reflect the approved layout plan the subject of planning permission 19/00798/P.

App No. 19/00798/P

**EAST LoTHIAN COUNCIL**

**DECISION NOTICE**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**TOWN AND COUNTRY PLANNING  
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008**

**Caledonian Heritable Ltd  
c/o Planning And Building Design Ltd  
Per Keith Owens**



APPLICANT: Caledonian Heritable Ltd

With reference to your application registered on **1st August 2019** for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

**Alterations, extensions to building, formation of outdoor seating, including covered seating areas and associated works**

**at  
184 North High Street  
Musselburgh  
East Lothian  
EH21 6BH**

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **GRANT PLANNING PERMISSION** for the said development in accordance with the particulars given in the application, the plan(s) docketed as relative hereto and the conditions set out below:-

**CONDITIONS:**

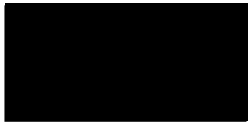
- 1 The new and heightened boundary walls hereby approved shall be finished in roughcast in a colour to match the colour of the roughcast of the walls of the Ship Inn public house building and its existing boundary walls.  
  
Reason:  
In the interests of the character and appearance of the area.
- 2 The outdoor dining area hereby approved shall only be used by customers and staff of the Ship Inn public house and that use shall only be between 0900 hours and 2300 hours on any day of the week.

Reason:

1. In accordance with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within **THREE YEARS** of the date of this decision notice. **If development has not commenced within this time period, then this planning permission will lapse.**

2. It should be understood that this permission does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

**4th October 2019**



Keith Dingwall  
Service Manager - Planning

List of plans/drawings to be issued with Final Decision Notice

Application number ...19.10079.8.1P.....

Plan number	Date received	FUL	LBC	CAC
01	01/08/19	✓		
02	"	✓		
03	"	✓		
04	"	✓		



EXISTING SOUTH FACED ELEVATION  
FACING MARKET STREET



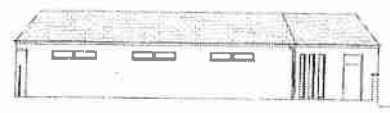
LOCATION PLAN



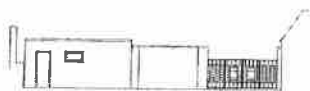
EXISTING NORTH FACED ELEVATION  
FACING NORTH HIGH STREET



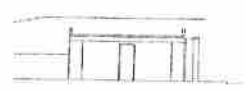
EXISTING ELEVATION 'W'



EXISTING EAST FACED ELEVATION  
FACING ONTO CAR PARK



EXISTING ELEVATION OF EXTERNAL VIEWS -  
NORTH FACED



EXISTING ELEVATION OF EXTERNAL STORE -  
WEST FACED



EXISTING FRONT PRINCIPAL ELEVATION -  
WEST FACED

10/00790/W

EAST LUTHERAN COUNCIL  
Planning Application 10/00790/W  
10/00790/W  
PLANNING APPLICATION  
EXISTING ELEVATIONS

CHANGING THE USE OF A BUILDING  
AND/OR THE EXTERIOR APPEARANCE  
OF A BUILDING OR AREA WITH EXTERNAL  
FACED WALLS, SINGLE STOREY BUILDINGS  
ATTACHED TO PUBLIC HOUSES, VARIETIES  
OTHER THAN PUBS, SINGLE STOREY BUILDINGS  
AND BUILDINGS WITH EXTERIOR WALLS  
AND ROOFS  
AND EXTERIOR WALLS  
AND EXTERIOR WALLS  
AND EXTERIOR WALLS  
AND EXTERIOR WALLS

1. CALDERON HERITAGE LTD  
Date: 21.11.19  
Scale: 1:500  
Drawing No: 10/00790/W  
Planning & Building Design Ltd.  
24 West Humber Street  
Birmingham  
B18 7EA  
Tel: 0121 644 8100  
Fax: 0121 644 8401

